

ANNEX 1

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Version

From: Trial Chamber V Communications
Sent: 08 June 2023 10:55
To: OTP CAR IIB; D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team
Cc: Associate Legal Officer-Court Officer; Chamber Decisions Communication; Trial Chamber V Communications
Subject: Decision on Submitted Materials for P-1858
Attachments: Prosecution Submission of evidence following the examination of P-1858; Ngaïssona Defence Submission of Evidence following P-1858's testimony; Yekatom Defence submission of evidence following the examination of P-1858

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Counsel, dear colleagues from the Registry,

The Chamber takes note of the emails on the submission of evidence following the examination of P-1858 by the Prosecution, the Ngaïssona Defence and the Yekatom Defence (see emails attached).

The Chamber notes that items CAR-OTP-2065-3220, CAR-OTP-2127-3668, CAR-D29-0003-0032, CAR-D29-0010-0063, CAR-D29-0010-0064, CAR-D29-0018-0001, CAR-OTP-2065-4966 and CAR-OTP-2092-1737 have already been recognised as submitted, and therefore it need not rule on them again.

Further, the Chamber notes that items CAR-OTP-2065-2548, CAR-OTP-2127-3743, CAR-OTP-2127-3653, CAR-OTP-2127-3752, CAR-OTP-2065-4966 and CAR-OTP-2127-4583 were introduced into evidence as part of P-1819's prior recorded testimony subject to the fulfilment of the legal requirements of Rule 68(3) of the Rules (see Decision ICC-01/14-01/18-1661-Conf-Corr, para. 42, n. 58, p. 33; Annex A to the P-1819 Request, ICC-01/14-01/18-1414-Conf-AnxA). However, since P-1819 has not testified to date, and in fact appears to have become unavailable (see email from the Prosecution, 25 May 2023, at 23:50), the Rule 68(3) requirements have not been met. Accordingly, the Chamber hereby recognises items CAR-OTP-2065-2548, CAR-OTP-2127-3743, CAR-OTP-2127-3653, CAR-OTP-2127-3752, CAR-OTP-2065-4966 and CAR-OTP-2127-4583 as formally submitted in relation to P-1858.

Thus, and in the absence of any procedural bars, the Chamber recognises as formally submitted the following items:

Doc ID	Title	Type
CAR-OTP-2065-2548	AA017401.MXF	Audio / Video Material
CAR-OTP-2127-3743	Transcription de document audio/vidéo / AA017401.MXF	Transcript
CAR-OTP-2127-3653	Traduction / Transcription de document audio/vidéo / AA017401.MXF	Translation - FRA
CAR-OTP-2127-3752	Transcription de document audio/vidéo / AA008701.MXF	Transcript
CAR-OTP-2001-0742	ACCORD POLITIQUE DE LIBREVILLE SUR LA RESOLUTION DE LA CRISE POLITICO-SECURITAIRE EN REPUBLIQUE CENTRAFRICAINE	Contract / Agreement
CAR-OTP-2076-0815	GR antibalakas.mp3	Audio / Video Material
CAR-OTP-2127-4583	Traduction / Transcription de document audio/vidéo / AA002601.MXF	Translation - FRA
CAR-OTP-2130-0317	Transcription de document audio/vidéo / GRAND REPORTAGE - Qui sont les anti-balaka?	Transcript
CAR-REG-0001-0012		Court document - ICC

Further, the Chamber confirms that the requirements of Rule 68(3) of the Rules have been met for the following items:

Doc ID	Title	Type
CAR-OTP-2063-0050	WITNESS STATEMENT	ICC Statement - General
CAR-OTP-2104-0630	Traduction d'élément de preuve / DÉCLARATION DE TÉMOIN / WITNESS STATEMENT	ICC Statement - Translation - FRA
CAR-OTP-00000777	CAR 1858 SR amendements (08.12.2022).pdf	ICC Statement – General (corrections)
CAR-OTP-2063-0074	ANNEX A - Etaient presents:	List / table
CAR-OTP-2063-0077	Annex C - LISTE DES COMBATTANTS CIVILS DES ANTI-BALAKA [REDACTED] [REDACTED]	List / table
CAR-OTP-2063-0093	Annex D	Photograph/s
CAR-OTP-2063-0094	1	Photograph/s
CAR-OTP-2063-0096	2	Photograph/s
CAR-OTP-2063-0098	3	Photograph/s
CAR-OTP-2063-0100	4	Photograph/s
CAR-OTP-2063-0102	5	Photograph/s
CAR-OTP-2063-0104	6	Photograph/s
CAR-OTP-2063-0106	7	Photograph/s
CAR-OTP-2063-0108	8	Photograph/s
CAR-OTP-2063-0110	9	Photograph/s
CAR-OTP-2063-0112	10	Photograph/s
CAR-OTP-2063-0114	11	Photograph/s

The Registry is directed to proceed in accordance with paragraph 63(v) of the Initial Directions, ICC-01/14-01/18-631.

Kind regards,
TC V

From: OTP CAR IIB
Sent: 15 December 2022 15:29
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaissona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED]; OTP CAR IIB
Subject: Prosecution Submission of evidence following the examination of P-1858

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631, "Directions"), the Prosecution requests that the following items be recognised as formally submitted:

- (i) 17 items submitted under Rule 68(3) at the start of P-1858's testimony (see ICC-01/14-01/18-1661-Conf, paras. 12-28 and p.33; and ICC-01/14-01/18-T-185-CONF ENG RT, p.8, l.10-p.9, l.20), including the corrections to statement CAR-OTP-00000777:

Count	Doc ID	WIT - Used through	Type	EVD - Date	EVD - Participant Tendering	Request Submission
1	CAR-OTP-2063-0050	Rule 68(3)	ICC Statement - General	13-Dec-22	OTP	YES
2	CAR-OTP-2104-0630	Rule 68(3)	ICC Statement - Translation - FRA	13-Dec-22	OTP	YES
3	CAR-OTP-00000777	Rule 68(3)	ICC Statement - General (corrections)	13-Dec-22	OTP	YES
4	CAR-OTP-2063-0074	Rule 68(3)	List / table	13-Dec-22	OTP	YES
5	CAR-OTP-2063-0077	Rule 68(3)	List / table	13-Dec-22	OTP	YES
6	CAR-OTP-2063-0093	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
7	CAR-OTP-2063-0094	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
8	CAR-OTP-2063-0096	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
9	CAR-OTP-2063-0098	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
10	CAR-OTP-2063-0100	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
11	CAR-OTP-2063-0102	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
12	CAR-OTP-2063-0104	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
13	CAR-OTP-2063-0106	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
14	CAR-OTP-2063-0108	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
15	CAR-OTP-2063-0110	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
16	CAR-OTP-2063-0112	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES
17	CAR-OTP-2063-0114	Rule 68(3)	Photograph/s	13-Dec-22	OTP	YES

- (ii) 2 audio/video items discussed with P-1858 during the course of his examination, and their respective transcripts and translations:

Count	Doc ID	WIT - Used through	Type	EVD - Date	EVD - Participant Tendering	Request Submission
1	CAR-OTP-2065-2548	CAR-OTP-P-1858	Audio / Video Material	13-Dec-22	OTP	YES
2	CAR-OTP-2127-3743	CAR-OTP-P-1858	Transcript	13-Dec-22	OTP	YES
3	CAR-OTP-2127-3653	CAR-OTP-P-1858	Translation - FRA	13-Dec-22	OTP	YES
4	CAR-OTP-2065-3220	CAR-OTP-P-1858	Audio / Video Material	13-Dec-22	OTP	YES

5	CAR-OTP-2127-3752	CAR-OTP-P-1858	Transcript	13-Dec-22	OTP	YES
6	CAR-OTP-2127-3668	CAR-OTP-P-1858	Translation - FRA	13-Dec-22	OTP	YES

Kind regards,



OTP Case Manager

From: [REDACTED]
Sent: 15 December 2022 16:58
To: Trial Chamber V Communications
Cc: D29 Yekatom Defence Team; D30 Ngaïssona Defence Team; V44 LRV Team OPCV; V44 LRV Team; V45 LRV Team; [REDACTED] Associate Legal Officer-Court Officer; [REDACTED] OTP CAR IIB
Subject: Ngaïssona Defence Submission of Evidence following P-1858's testimony

Dear Trial Chamber V,

Pursuant to paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Defence for Mr. Ngaïssona requests the submission of the following item, which was used during P-1858's examination by the non-calling party:

Count	Document ID	Title	Document Type	EVD - Date Used
1	CAR-OTP-2001-0742	ACCORD POLITIQUE DE LIBREVILLE SUR LA RESOLUTION DE LA CRISE POLITICO-SECURITAIRE EN REPUBLIQUE CENTRAFRICAINE	Contract / Agreement	12/15/2022

Kind regards,

[REDACTED]
On behalf of the Defence Team for Mr Ngaïssona

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From: [REDACTED]
Sent: 15 December 2022 18:26
To: Trial Chamber V Communications
Cc: OTP CAR IIB; D30 Ngaissona Defence Team; Associate Legal Officer-Court Officer; V44 LRV Team; V44 LRV Team OPCV; V45 LRV Team; D29 Yekatom Defence Team
Subject: Yekatom Defence submission of evidence following the examination of P-1858

Dear Trial Chamber V,

In accordance with paragraph 63(i) of the *Initial Directions of the Conduct of the Proceedings* (ICC-01/14-01/18-631), the Yekatom Defence requests the formal submission of the following items used during P-1858's testimony:

#	ERN	Title	Confidentiality Level	EVD – Date Used	WIT – Used Th
1.	CAR-D29-0003-0032	P-0954 Annex A Map	Confidential	10/24/2022 12/2/2022 12/13/2022	CAR-OTP-P-0954 CAR-OTP-P-1823 CAR-OTP-P-1858
2.	CAR-D29-0010-0063	[REDACTED] [REDACTED] [REDACTED]	Confidential	11/2/2022 12/14/2022	CAR-OTP-P-1839 CAR-OTP-P-1858
3.	CAR-D29-0010-0064	Montage CAR-OTP-2065-4966 et CAR-D29-0010-0063	Confidential	11/2/2022 12/14/2022	CAR-OTP-P-1839 CAR-OTP-P-1858
4.	CAR-D29-0018-0001	Metadata of CAR-D29-0010-0063	Confidential	11/2/2022 12/14/2022	CAR-OTP-P-1839 CAR-OTP-P-1858
5.	CAR-OTP-2065-4966	AA002601.MXF	Public	11/2/2022 12/14/2022	CAR-OTP-P-1839 CAR-OTP-P-1858
6.	CAR-OTP-2076-0815	GR antibalakas.mp3	Public	10/25/2022 10/31/2022 12/14/2022	CAR-OTP-P-0954 CAR-OTP-P-1839 CAR-OTP-P-1858
7.	CAR-OTP-2092-1737	LISTE DES CADRES POUR LA NOMINATION AUX POSTES DE RESPONSABILITE	Public	10/24/2022 12/14/2022	CAR-OTP-P-0954 CAR-OTP-P-1858
8.	CAR-OTP-2127-4583	Traduction / Transcription de document audio/vidéo / AA002601.MXF	Public	12/14/2022	CAR-OTP-P-1858
9.	CAR-OTP-2130-0317	Transcription de document audio/vidéo / GRAND REPORTAGE - Qui sont les anti-balaka?	Public	12/14/2022	CAR-OTP-P-1858
10.	CAR-REG-0001-0012		Confidential	12/13/2022	CAR-OTP-P-1858

Kind regards,

[REDACTED]
Case manager, Yekatom Defence

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